

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHARLES O'CAIN,

Petitioner,

v.

MARGARET GILBERT, Superintendent of  
STAFFORD CREEK CORRECTIONS  
CENTER,

Respondent.

Case No. C16-1797 TSZ-BAT

**ORDER TRANSFERRING CASE  
TO NINTH CIRCUIT**

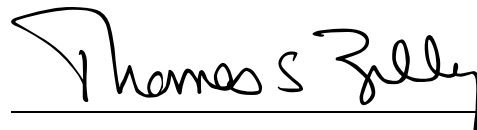
The Court, having reviewed the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, docket no. 7, to which no objection or response was timely filed, **ORDERS** as follows:

(1) The Court **ADOPTS** the Report and Recommendation.

(2) Petitioner's 28 U.S.C. § 2254 petition is **TRANSFERRED TO THE NINTH CIRCUIT AS A MOTION TO PERMIT A SECOND OR SUCCESSIVE PETITION.** *See* 28 U.S.C. § 2244(b)(3)(A).

(3) The Clerk is directed to send copies of this Order to Petitioner and to the Honorable Brian A. Tsuchida **AND TO ADMINISTRATIVELY CLOSE THIS CASE.**

DATED this 17th day of February, 2017.



Thomas S. Zilly  
United States District Judge